

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 1579

IN THE MATTER OF:

Application of SUBURBAN TRANSIT )	Served July 9, 1976
COMPANY for Certificate of Public)	
Convenience and Necessity to )	Application No. 948
Perform Charter Operations )	
Pursuant to Contract - Oxon Hill )	Docket No. 335

By Application No. 948, filed June 30, 1976, Suburban Transit Company (Suburban) seeks a certificate of public convenience and necessity, pursuant to Title II, Article XII, Section 4(b) of the Compact, to perform charter operations pursuant to contract. Suburban seeks authority to transport passengers, together with their baggage, over irregular routes, between the Oxon Hill and Fort Washington area of Prince George's County, Maryland, on the one hand, and on the other, Washington, D. C.; between the Oxon Hill and Fort Washington area of Prince George's County, Maryland, on the one hand, and on the other, Crystal City, Fort Belvoir, Fort Myer, Pentagon, and Rosslyn, Va.; between the Oxon Hill and Fort Washington area of Prince George's County, Maryland, on the one hand, and on the other, Rockville and Gaithersburg, Md., and between the Oxon Hill and Fort Washington area of Prince George's County, Maryland, on the one hand, and on the other, Andrews Air Force Base and Suitland, Md.

Suburban would perform the proposed service pursuant to a contract with Oxon Hill Commuter Bus Service (Oxon Hill Commuter). The proposed service would involve regularly scheduled morning and evening trips daily between specified points. The following boarding points for the morning trips have been specified (shown here as shown in application).

FORT WASHINGTON DRIVE

River Bend Road  
Beech Drive  
Lourdes Drive  
Swan Creek Road  
Emeral Hill  
Texburg Drive  
Tantallon Drive  
St. Andrews  
Asbury Drive  
Glasgow  
L'Enfant Drive  
Warburton Drive

OXON HILL ROAD

Brockton  
Balmoral Drive East  
Cedar Ridge Drive  
Abbingdon Drive  
Panorama Road  
Carrybrook Drive  
Claudia Road  
Kerby Hill Road  
Tor Bryant Road  
Oak Drive  
Hotley  
Kerby Hill Parkway  
Arthur Drive

TANTALLON

Arrow Park Drive  
Holly Bark Drive  
Braeburn Drive  
Tantallon Yacht Club  
Donnybrook Drive  
Ballina Road

FORT FOOTE

Riverbend  
Riverwood  
Rosier Road  
Potomac Valley Drive  
E. Ft. Foote  
W. Ft. Foote  
Bluffwood Lane  
Dover  
Jessica Drive  
Tuckerway  
Archery Drive  
Ivanhoe  
Locksley  
Friar  
Loughran  
Wedgewood Drive  
Lancelot Road  
Round Table

The following departure areas for the evening trips have been specified (shown here as shown in application).

CAPITOL HILL

S. W. GOVERNMENT CORRIDOR (HEW, DOT, FAA, HUD, L'ENFANT PLAZA, DEPARTMENT OF AGRICULTURE or TREASURY)

K STREET N. W., L STREET, N. W. ( 14th thru 23rd Sts., N. W.)

14th STREET N. W. (PENNSYLVANIA AVE., up to K STREET, N. W.)

CRYSTAL CITY, PENTAGON, ROSSLYN, FT. MYER, CAMERON STATION, ALEXANDRIA, VA.

SUITLAND

BOLLING AIR FORCE BASE, ANDREWS AIR FORCE BASE, FT. BELVOIR

N.I.H.

GAITHERSBURG, ROCKVILLE (Via 270S)

GOVERNMENT PRINTING OFFICE (FEDERAL POWER COMMISSION, U.S. POST OFFICE, UNION STATION, U.S. SECURITIES & EXCHANGE COMMISSION, INTERNATIONAL BROTHERHOOD of TEAMSTERS, DEPT. OF HUMAN RESOURCES, RAILROAD LABOR BOARD, FEDERAL CITY COLLEGE)

GOVERNMENT ACCOUNTING OFFICE (D. C. GOVERNMENT -POTOMAC BUILDING, D. C. SUPERIOR COURTS, MUNICIPAL BUILDING)

FEDERAL TRIANGLE (PENNSYLVANIA AVE., N. W.)

CONSTITUTION AVE., (7th thru 14th STREET, N. W.)

17th - 23rd CONSTITUTION AVE., N. W.

17th - 23rd and E STREET, N. W.

17th - 23rd and PENNSYLVANIA AVE., N. W.

The morning trips would originate in the Oxon Hill and Fort Washington area between 6 A.M. and 8:30 A.M. and the evening trips would depart for the Oxon Hill and Fort Washington area between 4 P.M. and 6:30 P.M. The proposed service would be rendered in motor coaches with a minimum of 38 passenger seating capacity.

Oxon Hill Commuter would compensate Suburban at the rate of \$95 per day for each vehicle used for round trip transportation services. The proposed service would be accessible to regular passengers with weekly passes and new passengers depositing \$1.25 in the fare box for a one-way trip from any point in boarding. That deposit would be used as part of the payment of the \$95 per day rate. The term of the contract between Oxon Hill Commuter and Suburban is June 14, 1976 through June 13, 1981. The contract provides that the daily rate would be adjusted every six months by a percentage equal to the percentage increase in the cost of living index for the Washington, D. C., metropolitan statistical area as calculated by the United States Department of Labor for the immediately preceding six month period for which such a calculation was made.

Suburban currently holds Certificate of Public Convenience and Necessity No. 29. That Certificate authorizes the transportation of passengers, in special operations, over irregular routes, from Gaithersburg, Md., Rockville, Md., Wheaton, Md., Reston, Va., Tyson's Corner, Va., Springfield, Va., or points in Washington, D. C., located at 16th and Kennedy Streets, N. W., and 4th and Michigan Avenue, N. W., to the Capital Centre, Landover, Md., and return. By Order No. 1574, served June 24, 1976, the Commission granted Suburban temporary authority to transport passengers, over irregular routes, in special operations, from points therein specified located within the District of Columbia, State of Maryland, and Commonwealth of Virginia to Capital Centre, Landover, Md., and return.

Title II, Article XII, Section 4(b) of the Compact provides as follows:

When an application is made under this section for a certificate, . . . , the Commission shall issue a certificate to any qualified applicant therefor, . . . , if it finds, after hearing held upon reasonable notice, that the applicant is fit, willing and able to perform such transportation properly and to conform to the provisions of this Act and the rules, regulations, and requirements of the Commission thereunder, and that such transportation is or will be required by the public convenience and necessity; otherwise such application shall be denied. (Emphasis added.)

Pursuant to this mandate, the Commission shall schedule a public hearing to develop an appropriate record. Suburban shall be assessed an amount preliminarily estimated to be sufficient to cover the expenses which the Compact, Title II, Article XII, Section 19(a) requires the carrier to bear.

The reason for the hearing is to fully develop the basis for any findings as to Suburban's fitness to perform the proposed transportation services and the existing requirements of the public convenience and necessity for the proposed transportation services. Suburban shall be required to submit and be prepared to support with competent witnesses the following statements.

- (A) A detailed balance sheet of Suburban as of June 30, 1976.
- (B) A detailed income statement of Suburban for the six month period ended June 30, 1976.
- (C) A statement projecting revenues and revenue deductions, including taxes for a one year period, together with supporting details, including the ratio between revenue deductions and revenues for the proposed transportation services.

Suburban shall be directed to file six (6) copies of the statements required hereinbefore with the Commission and serve one copy on each party of record on or before July 23, 1976. Suburban shall be prepared to present evidence that public convenience and necessity require permanent authorization of the proposed services. Should Suburban elect to submit prepared testimony at the hearing, then six (6) copies of said testimony also should be filed with the Commission and one copy served on each party of record on or before July 23, 1976.

Suburban has requested temporary authority to provide the proposed transportation services. Suburban states that the temporary authority is necessary to enable it to comply with the provisions of the agreement with Oxon Hill Commuter. The Commission may grant temporary authority, in its discretion and without hearings or other proceedings, if it finds there is an immediate and urgent need to a point or points within a territory having no carrier service capable of meeting such need. See Compact, Title II, Article XII, Section 4(d)(3). Suburban's request for temporary authority does not set forth any basis for a finding of an immediate and urgent need for the proposed service or any basis for a finding that there is no carrier service capable of meeting such need. Accordingly, Suburban's request does not constitute a sufficient application for temporary authority. Pursuant to the provisions of Commission Rule of Practice 8-02, Suburban's request for temporary authority shall be rejected.

THEREFORE, IT IS ORDERED:

1. That Application No. 948 of Suburban Transit Company be, and it is hereby, scheduled for public hearing to commence Friday, July 30, 1976, at 9:30 A. M., in the Hearing Room of the Commission, Room 314, 1625 I Street, N. W., Washington, D. C.

2. That Suburban Transit Company publish once in a newspaper of general circulation in the Metropolitan District and post for a period of five (5) days in each of its vehicles

notice of the application and hearing in the form prescribed by the staff of the Commission no later than Saturday, July 17, 1976, and present at the hearing a certificate of publication from the selected newspaper and a certificate of posting.

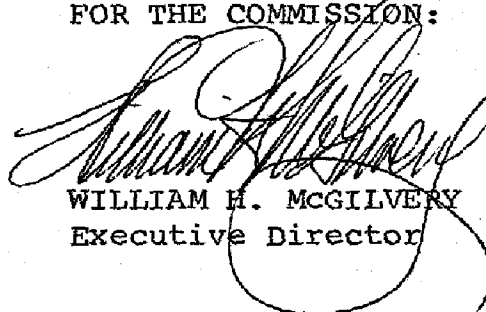
3. That six (6) copies, the original to be submitted at the hearing, of the statements required hereinbefore be filed by Suburban Transit Company with the Commission and one copy served on each party of record on or before Friday, July 23, 1976.

4. That any person desiring to protest shall file a protest in accordance with Commission Rule 14, or any person desiring to be heard on this matter shall notify the Commission, in writing, on or before Wednesday, July 21, 1976, and shall mail a copy of such protest or such notice to Mr. Posie James Preston, Jr., Suburban Transit Company, 1778 Lang Place, N. E., Washington, D. C. 20002.

5. That Suburban Transit Company be, and it is hereby, assessed \$300 pursuant to the provisions of the Compact, Title II, Article XII, Section 19, and directed to deliver said amount to the office of the Commission, Room 316, 1625 I Street, N. W., Washington, D. C. 20006, on or before Friday, July 23, 1976.

6. That the request by Suburban Transit Company for temporary authority be, and it is hereby, rejected.

FOR THE COMMISSION:



WILLIAM H. MCGILVER  
Executive Director